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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,476	01/16/2004	George P. Latos	90555.000014	7592
23387	7590	02/22/2005	EXAMINER FERGUSON, MARISSA L	
Stephen B. Salai, Esq. Harter, Secrest & Emery LLP 1600 Bausch & Lomb Place Rochester, NY 14604-2711			ART UNIT 2854	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/759,476	Applicant(s) LATOS ET AL.	
	Examiner Marissa L. Ferguson	Art Unit 2854	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 22 December 2004.

2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-38 is/are pending in the application.

4a) Of the above claim(s) 25-30 and 35-38 is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-24 and 31-34 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some    \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date <u>4/29/04</u> .	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Group 1 in the reply filed on 12/22/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. The restriction required is hereby repeated and made final.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6,8,10-12,17-24,31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tkacz et al. (US Patent 5,845,569) in view of Bowker et al. (US Patent 6,559,410).

Regarding claims 1,2,4, 6,17,20, 21,23 and 31, Tkacz et al. teaches a method and invention comprising a plurality of pallets (14,16,26 and Figure 1) for supporting at least a portion of the work piece, a plurality of printing heads (28 and Figure 1) for printing the work piece disposed on the pallets, the pallets being moveable relative to the printing heads (Figures 1,2,6 and 7) and pallets including a registration of a work piece relative to the pallets (Abstract and Column 3, Lines 3-22). However, he does not

explicitly disclose a controller and a fixed laser selectively projecting a laser beam along a projection path to intersect the pallets, the pallets being moveable relative to a laser and to cut a work piece. Bowker et al. teaches an apparatus using a fixed laser (92,102 and Figure 1) and controller (28) that etches (cutting) patterns and designs in jeans as the jeans rotate on a carousel (Abstract).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Tkacz et al. to include a laser as taught by Bowker et al., since Bowker et al. teaches that it is advantageous to provide a uniform laser treatment in a multiplicity of areas including front and rear sides of a garment.

Regarding claim 3, Tkacz et al. teaches printing heads (28) moveable between a screening position and a retracted position (Figures 6 and 7).

Regarding claim 5, Tkacz et al. teaches wherein a pallet is moveable (Column 5, Lines 43-65).

Regarding claims 8 and 22, Tkacz et al. teaches a method and apparatus comprising a printing head (28) including a screen (58) for passing the ink.

Regarding claims 10 and 11, Tkacz et al. teaches a pallet (14,16 and 26) for supporting at least a portion of a work piece and a screen (22) for passing ink on the work piece (Column 6, Lines 37-30), the pallet being moveable relative to the screen moveable between a screening position and a space position (Figures 6 and 7).

However, he does not explicitly disclose a laser projecting a beam along a projection path to intersect a pallet and a laser beam intersecting the pallet in a spaced

position. Bowker et al. teaches an apparatus using a fixed laser (92,102 and Figure 1) projecting a beam (Figure 1) intersecting a loading station (40 [functions as a pallet]) that etches patterns and designs in jeans as the jeans rotate on a carousel (Abstract).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Tkacz et al. to include a laser as taught by Bowker et al., since Bowker et al. teaches that it is advantageous to provide a uniform laser treatment in a multiplicity of areas including front and rear sides of a garment.

Regarding claim 12, Tkacz et al. teaches a plurality of screens (58 and Figure 1).

Regarding claim 18, Tkacz et al. teaches wherein the pallets rotate about a central axis (Column 7, Lines 43-53).

Regarding claim 19, Tkacz et al. teaches a frame (area surrounding screen 58) and a plurality of printing heads (28) connected to the frame.

Regarding claim 24, Tkacz et al. teaches an apparatus and method comprising marking the work piece with a plurality of inks (Column 1, Lines 19-29 and Column 6, Lines 37-54).

Regarding claim 32, Tkacz et al. teaches printing heads (28) including screens (58) and a wiper (62) for selectively urging ink through a screen (Column 6, Lines 37-57).

4. Claims 7,9,13-16,33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tkacz et al. (US Patent 5,845,569) in view of Bowker et al. (US

Patent 6,559,410) as applied to claims 1,10,20 and 31 above, and further in view of Costin (US Patent 5,990,444).

Tkacz et al. and Bowker et al. teaches the claimed invention with the exception of a moveable laser that includes a galvanometer scanning laser, a polygon scanner, a beam expander and a laser including a focusing optic in the projection path for changing a focal point of the laser beam along a projection path. Costin teaches a laser system and method scribing graphics on a material with a laser that moves vertically (Figure 36), a galvanometer scanning laser (11,14,18), a polygon scanner (Figure 1), a device that expands beams (13,17,19) and a focusing lens (19) that projects changing focal points. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to further modify the invention as taught by Tkacz et al. to include a galvanometer scanner, a focusing optic and beam expander as taught by Costin, since Costin teaches that it is desirable to incorporate the scanner, optics and expander in order to provide a suitable method of using a laser in turn forming accurate and precise graphics on suitable materials.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L. Ferguson whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

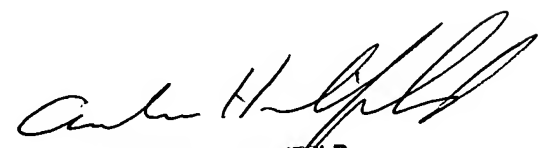
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson  
Examiner  
Art Unit 2854

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